

REMARKS

Claims 1-19 are pending in the application. Claims 1, 6, 9, 10-14 and 19 are rejected under 35 USC § 102(b) as being anticipated by Bales, et al. (U.S. Patent No. 5,991,263). Applicants respectfully disagree.

Bales is directed to changing calls between ISDN channels (Primary Rate Interfaces or PRIs), when one link or channel fails. See Bales, Abstract, and column 2, line 52-column 3, line 14. No call information is gathered while the call is still active, before failure. No preparation of a second entity is performed while the call is still active on the first entity. Identification of an idle channel after failure is not the same as using information gathered about a call while it is still active and then using that information to prepare a second entity while the call is still active on the first, as is required by claims 1, 6, 9, 10 and 11.

Applicants therefore submit that claims 1, 6, 9, 10 and 11 are patentably distinguishable over the prior art and request allowance of these claims.

Claims 12-14 and 19 are directed to a network device that has more than one processing entity. In the arguments with regard to claims 1, 6, 9, 10 and 11, the Examiner seems to interpret 'entities' as applying to the channels or PRIs of Bales. With regard to claims 12-14 and 19, Bales does not teach two processing means or processing entities for handling calls. The links or channels are not processing entities, they are merely communications channels. Therefore Applicants submit that claims 12-14 and 19 are patentably distinguishable over the prior art and request allowance of these claims.

Claims 2-4 and 15-18 were rejected under 35 USC 103(a) as being unpatentable over Bales, et al., in view of Reine, et al., US Patent No. 6,347,093). Applicants respectfully disagree.

The Examiner states that the entities of Bales could be the DSPs disclosed in Reine. As discussed above, the entities in Bales are not processing entities, just communication links

(ISND PRI channels). Therefore, it would not be operable to replace those entities with processors, as the channels used for transmitting the calls would no longer exist. Further, as discussed above, Bales does not teach the elements of the invention as claimed in claims 1 and 14, the claims from which these claims depend, much less that for which the Examiner relies upon Reine. The addition of Reine to the combination does not overcome the deficiencies of Bales in this regard. Applicants therefore submit that claims 2-4 and 15-18 are patentably distinguishable over the prior art and request allowance of these claims.

Claims 5, 7 and 8 are rejected under 35 USC § 103(a) as being unpatentable over Bales, et al. Applicants respectfully disagree.

With regard to claim 5, it would not be obvious in Bales to load the compression tables in the second entity as 1) the second entity in Bales is a channel, not an entity that can even accept dictionaries, etc., and 2) there is no preparation of the second entity while the call is still active on the first, which is when the limitation of claim 5 would occur.

With regard to claim 7 and 8, the information is not used to prepare a second entity to take the call while the call is still active on the first, only after the call has failed on the first due to a link or channel failure. Therefore, the information of modulation and country code would not be useful in Bales until failure. Applicants therefore submit that claims 5, 7 and 8 are patentably distinguishable over the prior art and request allowance of these claims.

The prior art made of record and not relied upon has been reviewed and is not considered pertinent to applicant's disclosure. No new matter has been added by this amendment. Allowance of all claims is requested.

The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

Julie L. Reed

Julie L. Reed
Reg. No. 35,349

MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
Portland, OR 97205
(503) 222-3613